

Docket Number: 1540

ALLAN A MYERS, INC.

Paul A. Logan, Esquire

VS.

CLOSED

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

~~Kenneth L. Sable, Chief Claims Attorney
Jeffrey W. Davis, Assistant Counsel~~

June 25, 1991

Claim and filing fee filed by attorney for Plaintiff. Amount of Claim: \$260,143.28+.

July 2, 1991

Copy of Claim forwarded to attorney for Defendant and Chief Deputy Attorney General.

July 5, 1991

Acceptance of Service of Claim received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant July 3, 1991.

July 10, 1991

Acceptance of Service of Claim received from Chief Deputy Attorney General. Receipt of same acknowledged by Chief Deputy Attorney General July 7, 1991.

October 2, 1991

Answer with New Matter filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 22, 1991

Reply to New Matter filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 7, 1992

Allan A. Myers, Inc.'s Expert Interrogatories Directed to Defendant filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 12, 1992

Response to Allan A. Myers, Inc.'s Expert Interrogatories Directed to Defendant filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

July 6, 1992

Plaintiff's Request for Admission Directed to Defendant (First Set), Allan A. Myers, Inc.'s Request for the Production of Documents Directed to Defendants (First Set) and Plaintiff's Interrogatories Directed to Defendant PaDot (First Set) filed by attorney for Plaintiff. Copies forwarded to attorney for Defendant by attorney for Plaintiff.

August 28, 1992

Response to Plaintiff's Requests for Admission Directed to Defendant (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 8, 1992

Response to Allan A. Myers, Inc.'s Request for the Production of Documents Directed to Defendant (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

September 20, 1993

Response to Plaintiff's Interrogatories Directed to Defendant (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 8, 1994

Defendant's Request for Production of Documents - (First Set) filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

April 21, 1994

Notice of Intent to Take Oral Deposition of Joseph Meehan, P.E. filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

May 25, 1994

Plaintiff's Response to Defendant's Request for Production of Documents - First Set filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 6, 1994

Notice of Intent to Take Oral Deposition of Joseph Meehan filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 6, 1994

Notice of Intent to Take Oral Deposition of Wilford Bucher filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

November 1, 1994

Hearing scheduled for March 20, 21, 22, 23, and 24, 1995, as well as March 27, 28, 29, 30, and 31, 1995, if necessary, at 9:30 a.m. A location for the hearing will be determined at a later date.

December 13, 1994

Defendant's Interrogatories to Plaintiff filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

March 3, 1995

Hearing scheduled for March 20 and 21, 1995 canceled.

Plaintiff's Pre-Trial Statement filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

CLOSED

March 22, 1995

Hearing held this date in Board's Court Room No. 1, Fulton Building, 200 North Third Street, Suite 600, Harrisburg, Pennsylvania, commencing at 9:30 a.m. Case completed.

April 6, 1995

Testimony of hearing held March 22, 1995, filed.

April 14, 1995

Copy of testimony of hearing held March 22, 1995, forwarded to attorney for Defendant.

April 20, 1995

Acceptance of Service of testimony of hearing held March 22, 1995 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant April 18, 1995.

May 9, 1995

Plaintiff's Findings of Fact, Conclusions of Law, and Memorandum in Support, thereof, filed by attorney for Plaintiff. Copy forwarded to attorney for Defendant by attorney for Plaintiff.

June 15, 1995

Post Hearing Brief Submitted on Behalf of Defendant Commonwealth of Pennsylvania Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

June 19, 1995

Proposed Findings of Fact and Conclusions of Law Submitted on Behalf of Defendant, Commonwealth of Pennsylvania, Department of Transportation filed by attorney for Defendant. Copy forwarded to attorney for Plaintiff by attorney for Defendant.

November 7, 1996

CLOSED

The Board rendered an Opinion and made the following Order: "AND NOW, this 7th day of November, 1996, after due consideration of the record and submissions of the parties to the action, it is hereby **ORDERED** and **DECREED** that an award is made in favor of the Plaintiff, Allan A. Meyer, Inc., and against the Defendant, Commonwealth of Pennsylvania, Department of Transportation in the amount of Two Thousand One Hundred Forty-Three Dollars and Twenty-Eight Cents (\$2,143.28). In all other regards, the Plaintiff's Complaint is **DISMISSED**. Upon receipt of said award Plaintiff shall forthwith file with the Board of Claims a Praecipe requesting that the matter be marked settled, discontinued and ended with prejudice. Each party to bear its own costs and attorneys' fees. It is so **ORDERED**." Copies forwarded to attorney for Plaintiff, attorney for Defendant, and Chief Deputy Attorney General.

November 13, 1996

Acceptance of Service of Opinion and Order dated November 7, 1996 received from attorney for Defendant. Receipt of same acknowledged by attorney for Defendant November 12, 1996.

November 18, 1996

Acceptance of Service of Opinion and Order dated November 7, 1996 received from attorney for Plaintiff. Receipt of same acknowledged by attorney for Plaintiff November 15, 1996.

March 20, 1997

Copy of Order received from Commonwealth Court. Order as follows:
"NOW, March 3, 1997, it appearing that the above-captioned Petition for Review was filed by on December 17, 1996, and that a notice to certify the record was sent on January 2, 1997, and that the record has not been certified, it is hereby ordered that the Bd. of Claims shall certify the record to this Court within twenty (20) days of the date fo this Order." [No. 3387 C.D. 1996]

March 26, 1997

File transmitted to Commonwealth Court.

January 20, 1998

Copy of Opinion and Order received from Commonwealth Court. Order as follows: AND NOW, this 7th day of November, 1997, the order of the Board of Claims is reversed insofar as it awarded Allan J. Myers, Inc. compensation for additional reinforcement bar. The order is otherwise affirmed."

January 20, 1998

File returned from Commonwealth Court.

CLOSED